

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

DONALD A. PIERCE,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 2:20-cv-00177-JPH-MJD
	)	
RICHARD BROWN Warden,	)	
	)	
Respondent.	)	

**Order to Show Cause – State Conviction**

Donald A. Pierce’s petition for a writ of habeas corpus challenges his conviction and sentence in Indiana state court case number 13C01-0706-FA-002.

Petitioner shall have **through May 4, 2020**, in which to either pay the \$5.00 filing fee for this action or demonstrate his financial inability to do so.

Pursuant to Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts, respondent is **ORDERED to enter an appearance by April 15, 2020**. Rule 5(b) provides that respondent’s answer “must address the allegations in the petition. In addition, it must state whether any claim in the petition is barred by a failure to exhaust state remedies, a procedural bar, non-retroactivity, or a statute of limitations.” Rule 5(b). This action will proceed along one of the two following tracks:

- **Track 1:** If respondent argues that **all** claims in the petition are subject to one of the procedural bars for dismissal outlined in Rule 5(b), respondent is **ORDERED to file a motion to dismiss based on a complete procedural bar by May 15**,

**2020.** Petitioner shall have **21 days to respond**. Respondent will then have **7 days after the docketing of the response in which to reply**.

If the motion to dismiss is denied, respondent shall have **21 days** from the date the motion is denied to brief the merits, and petitioner shall have **28 days** to reply.

- **Track 2:** If Track 1 does not apply, respondent is **ORDERED to answer the petition by June 5, 2020**. This is respondent's only opportunity to address the allegations in the petition. Petitioner shall have **28 days** to reply to the return to the order to show cause.

Other than the two briefing tracks set forth above, no further briefing will be permitted absent Order of the Court. **The Court does not anticipate extending respondent's deadlines absent respondent specifically setting forth extraordinary circumstances.**

**SO ORDERED.**

Date: 4/3/2020

Distribution:

Donald A. Pierce  
#993116  
Wabash Valley Correctional Facility  
Electronic Service Participant – Court Only

Electronic Service to:  
Indiana Attorney General

James Patrick Hanlon

James Patrick Hanlon  
United States District Judge  
Southern District of Indiana